

PENSION DECISIONS.

Dependent Parents—Legitimacy.

The putative father of an illegitimate child has no pensionable status under any law now in force. The pension of a parent on account of the service and death of such child. (24. 9-25-05.)

Restoration—Fraud and Mistake—Practice—Rate—Increase—Hearing.

The claim was adjudicated in 1889 and a rate of \$4 per month allowed; claimant refused or neglected to receive the pension certificate and his name was stricken from the roll of pensioners at the expiration of three years. A claim for restoration was filed in 1894. When this claim came up for consideration it was found that the former action was unwarranted and that a special examination was required. The claim was readjusted in 1904, on the allowance of \$2 per month from the date of original filing, and \$6 from March 2, 1895. This action was fully in accord with the rules of practice and fully warranted by the facts presented. (25. 9-25-05.)

Hearing—Practice—Rate—Loss of Index Finger—Commencement.

Claimant was originally pensioned from date of discharge in 1865 for "loss of index finger," although as a matter of fact the finger was amputated before he received \$2 per month to Jan. 12, 1872, and \$4 thereafter. He was subsequently pensioned on account of other disabilities, and now receives \$17 per month. His attorney appeared for the rejection of a claim for rating of pension for the so-called loss of index finger, contending that the claimant should be allowed \$3 per month from the date of receiving the wound to April 3, 1884, and \$4 per month thereafter, being evidently unaware that the claimant received the last-named rate from an earlier date.

1. Invalid pensions were never allowed or allowable from the date of incurrence of disability in service.
2. After retirement of pensioners and inquiry at this time the Department is unable to ascertain when the Office rate of \$3 per month for loss of an index finger was adopted. The exact dates of the earlier ratings in regard to the rates fixed by Office practice, if they were governed by specified dates, are lost in obscurity.

3. The Department can see no reason for disturbing the original action in this case, which was evidently taken in accordance with the practice prevailing at the time. In view of the numerous decisions, the Department declines to disturb former ratings of pension where it does not appear that a manifest error, either of law or fact, about which there can be no dispute, was involved. (See 5 P. D. 139.)

4. In many instances the old rates given in the earlier tables of rates fixed by Office practice were actually used as a matter of necessity for use in the future adjudication of claims. Such rates cannot be applied to claims which have been adjudicated prior to their adoption. (26. 9-25-05.)

Marriage—Louisiana—Slaves—Emancipation.

Claimant and soldier, former slaves, were ceremonially married in Louisiana after emancipation. Claimant during servitude "took up" with a slave consort with whom she lived until July, 1863. The evidence fails to show marital cohabitation between them after emancipation. Said slave marriage therefore constituted no impediment to her subsequent marriage to soldier according to the laws of Louisiana.

Slaves became freemen in Louisiana at date of the adoption of the Constitution, July 23, 1864, and not upon the promulgation of the Proclamation of Emancipation, Jan. 1, 1863. (27. 9-25-05.)

Pathological Sequence—Catarrh—Disease of Stomach—Disease of Liver and Intestines—Death Cause.

The soldier was a pensioner on account of catarrh of head and resulting deafness. His death is shown to have been due to disease of stomach, liver and intestines, and no pathological relation is demonstrated to have existed between said catarrh and the fatal disease, and said disease is not shown to have been otherwise due to the soldier's military service. (28. 9-25-05.)

Aid and Attendance—Rate—Act of July 14, 1892—Increase.

The claimant is pensioned at the second grade, \$30 per month, on account of rheumatism and resulting general debility and disease of heart. He is entitled to be entitled to increase to \$50 per month on account of disability said act for pensioners who are disabled by pensionable afflictions "to such a degree as to require frequent and periodical treatment by a physician, and to be unable to perform the usual duties of a person." (29. 9-25-05.)

More precautionary attendance, which is evident in that the pensioner requires or receives, does not bring any case within the purview of the statute. Both aid and attendance, frequent and periodical, are required in order to entitle a claimant to said rate of pension. (30. 9-25-05.)

Division of Pension—Act of March 3, 1880—Desertion.

The Special Examiner in this case is shown to have performed his duties fairly. Justly the pension was divided, exceptions were taken to any of his rulings by claimant or her attorney, both of whom were present at the examination.

The evidence in the case shows that claimant, by her refusal to cohabit with pensioner as his wife, without legal justification, and her willful and malicious destruction of his property, was the party mainly at fault for the separation of which she complains. The duties of the wife, as wife, form and constitute the consideration for the husband's liability for her maintenance. (31. 9-25-05.)

The 1st La. Cav.

Editor National Tribune: I would like to have you say something about the 1st La. Cav. It was in all of the engagements in Banks' Red River campaign, and in the fight in Louisiana. I was transferred from the 110th N. Y. when Banks first came to New Orleans. I will swear that I saw them in Banks' eyes when he was getting the Thirteenth Corps to the rebels back until the Nineteenth Corps could come up. My company was in the advance from the time we left Natchitoches until the time we left Sabine Crossroads. My Colonel and most of the officers were wounded that day—Justin McCarthy, 1st La. Cav., Delta, Colo.

The 1st La. Cav. was organized at New Orleans from August, 1862, to December, 1863. The 2d La. Cav. was consolidated with it Sept. 7, 1864. The regiment was mustered out Dec. 18, 1865. The first Colonel was Hara Robinson, who was discharged Sept. 1, 1865. Lieut. Col. Algernon S. Badger was in command of the regiment when it was mustered out and brevetted Colonel. The regiment lost three officers killed in battle, but the reports of the enlisted men, who were killed and died of disease are not available. The enemy belonged to the Nineteenth Corps, Army of the Gulf.—Editor National Tribune.

The 34th Wis.

Editor National Tribune: Will you kindly give a short sketch of the 34th Wis., and greatly oblige an old reader of the National Tribune?—John Schneider, Fountain City, Wis.

The 34th Wis. was organized at Madison and Milwaukee in December, 1862, to serve nine months, and mustered out Sept. 5, 1863. It was commanded by Hara Amieko, who was mustered out with the regiment. It was composed of drafted men, and put in its term of service mostly in Georgia and Alabama, Ky. It lost 20 by death from disease.—Editor National Tribune.

WAR OF THE REBELLION.

(Continued from page 1.)

Expelling the enemy's pickets from Bolton the same day, you secured and held that important position.

"On the 16th you led the advance, in three columns upon the roads against Edwards Station. Meeting the enemy on the way in strong force, you heavily engaged him near Champion's Hill, and after a sanguinary and obstinate battle, with the assistance of Gen. McPherson's Corps, beat and routed him, taking many prisoners and small-arms and several pieces of cannon. Continuing to lead the advance, you rapidly pursued the enemy to Edwards Station, capturing that place, a large quantity of public stores, and many prisoners. Night only stopped you.

"At day-dawn on the 17th you resumed the advance, and early coming upon the enemy strongly intrenched on elaborate works, both before and behind Big Black River, immediately opened with artillery upon him, followed by a carrying and heroic charge at the point of the bayonet, which put him to rout, leaving 18 pieces of cannon and more than 1,000 prisoners in your hands.

"By an early hour on the 18th you had constructed a bridge across the Big Black, and had commenced the advance upon Vicksburg.

"On the 19th, 20th and 21st you continued to repulse and skilfully defeat the enemy's attacks. On the 21st you had gained a near approach to the enemy's works.

"On the 22d, in pursuance of the order from the commander of the department, you assaulted the enemy's defenses in front at 10 a. m., and within 30 minutes had made a lodgment and planted your colors upon two of his positions. The partial success called into exercise the highest heroism, and was only gained by a bloody and protracted struggle; yet it was gained, and was the first and largest success achieved anywhere along the whole line of our army. For nearly eight hours, under a scorching sun and destructive fire, you firmly held your footing, and only withdrew when the enemy heavily massed their forces and concentrated their attack upon you. How and why the general assault failed it would be useless now to explain.

"These three days of fighting, and the intentions of all, would scorn indulgence in weak regrets and idle lamentations. According to justice to all, it would only detract from the credit of the army, massing to crush it, assistance was asked for by a diversion at other points, or by reinforcements, it only asked that in one of the latter cases, specifically and peremptorily ordered, namely, simultaneous and persistent attack all along our lines until the enemy's outer works should be carried, and what, in the other, by massing a strong force in time upon a weakened point, would have probably insured success.

"Comrades, you have done much, yet something more remains to be done. The enemy's odious defenses still block your access to Vicksburg. Reason still rules that the city and close to the Mississippi River against right use by the millions who inhabit its sources and the great Northwest. Shall not our flag float over Vicksburg? Shall not the great Father of Waters be open to lawful commerce? Methinks the emphatic response of one and all of you is, 'It shall be so.'

"Then let us go."

"I join you, comrades, in your sympathy for the wounded and sorrow for the dead. May we not trust, say, is it not so, that his noble and brave martyrs of this sacred struggle for law and order, liberty and justice, with the honored martyrs of Monmouth and Bull Run?"

"John A. McClelland, Major-General, Commanding."

It is impossible to explode this order in any way. Several of its main statements are undeniably true, and the implications upon his brother commanders and their soldiers are highly irritating and unsoldierlike. Gen. McClelland's troops, bravely as they had fought, were not the only ones further into the enemy's lines than those of the Fifteenth and Seventeenth Corps, and there was no massing of the army, but only a few divisions, under pressure from the rest of the line.

Gen. McClelland's call for reinforcements was not at all justified, because he had employed all the troops of his division, as Grant had urged, and when help was sent him from the other corps he was sent in the morning in sending him up, and he was sent in the morning in sending him up, and he was sent in the morning in sending him up.

"Headquarters Fifteenth Army Corps, Camp on Walnut Hills, June 17, 1863. 'Lieut.-Col. John A. Rawlins, Assistant Adjutant-General, Department of the Tennessee.'

"Sir: On my return last evening from an inspection of the new works at Snyder's Bluff, Gen. Blair, who commands the Second Division of my corps, called my attention to the enclosed publication of June 13, instant, entitled 'Congratulatory Order of Gen. McClelland.'

"The order is a genuine production and not a forgery, it is manifestly addressed to an army, but to a constituency in Illinois far distant from the scene of the events attempted to be described, who might innocently be induced to think Gen. McClelland the sagacious leader he is not, and it is barely possible the order is a genuine one, and was actually read to the regiment of the Thirteenth Army Corps in which case a copy must have been sent to your office for the information of the Commanding General.

"If the order be a genuine production and not a forgery, it is manifestly addressed to an army, but to a constituency in Illinois far distant from the scene of the events attempted to be described, who might innocently be induced to think Gen. McClelland the sagacious leader he is not, and it is barely possible the order is a genuine one, and was actually read to the regiment of the Thirteenth Army Corps in which case a copy must have been sent to your office for the information of the Commanding General.

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A short history of a Notable Regiment will appear each week.

A Fighting Regiment.

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THREE HUNDRED FIGHTING REGIMENTS.

FOURTH NEW JERSEY INFANTRY.

FIRST JERSEY BRIGADE—WRIGHT'S DIVISION—SIXTH CORPS.

COMPANIES.	KILLED AND DIED OF WOUNDS.			DIED OF DISEASE, ACCIDENTS, IN PRISON, &c.			Total Enrollment.
	Officers.	Men.	Total.	Officers.	Men.	Total.	
Field and Staff.....	2	1	3	23
Company A.....	1	15	16	..	10	10	208
B.....	..	17	17	..	9	9	198
C.....	..	16	16	..	10	10	204
D.....	..	19	19	..	9	9	193
E.....	..	13	13	..	11	11	162
F.....	..	14	14	..	7	7	187
G.....	..	15	15	..	16	16	177
H.....	..	14	14	..	10	10	172
I.....	..	18	18	..	9	9	165
K.....	2	14	16	..	12	12	172
Totals.....	5	156	161	2	103	105	1,867

Original enrollment, 909; killed, 131; percentage, 14.4.

Total of killed and wounded, 588; died in Confederate prisons (previously included), 27.

BATTLES.	K. & M. W.	BATTLES.	K. & M. W.
Picket, Va., Oct. 28, 1861.....	1	Spotsylvania, Va.....	31
Gaines's Mill, Va.....	52	Cold Harbor, Va.....	6
Manassas, Va.....	2	Snicker's Gap, Va.....	1
Crampton's Gap, Md.....	12	Winchester, Va.....	2
Antietam, Md.....	1	Opequan, Va.....	5
Fredericksburg, Va.....	11	Cedar Creek, Va.....	5
Wilderness, Va.....	27	Fall of Petersburg, Va.....	5

Present, also, at West Point; Seven Days Battle; Chantilly; Sailor's Creek; Appomattox.

NOTES.—Organized at Trenton, and mustered in August 19, 1861. It left the State the next day, proceeding to Virginia where it was assigned to the famous Jersey Brigade, then under command of General Kearny. The brigade was encamped in Virginia for several months, engaged on picket duty and in perfecting its drill and discipline. On March 7, 1862, it broke camp and participated in the advance on Manassas. In April, the brigade embarked for the Peninsula, and upon the evacuation of Yorktown sailed up the York to West Point where it disembarked and was present at the action which occurred there. At Gaines's Mill the regiment, in company with the Eleventh Pennsylvania Reserves, held its ground after all other troops had fallen back, and being surrounded was forced to surrender; the casualties were 45 killed, 103 wounded, and 437 captured or missing. The Jersey Brigade distinguished itself in Slocum's brilliant and victorious charge up the mountain-side at Crampton's Gap, the brigade being commanded by General Torbert; the loss in the Fourth was 10 killed and 26 wounded. At First Fredericksburg the regiment lost 9 killed, 35 wounded, and 36 missing; Colonel Hatch was mortally wounded there. In the fighting at the Wilderness and Spotsylvania, the regiment lost 23 killed, 139 wounded, and 23 missing; total, 185. A large number of recruits and conscripts were received in the latter part of 1864, but the most of them joined after the fighting was about over.

even more scorchingly than the hot-tempered Gen. Sherman. He said: "Headquarters Seventeenth Army Corps, Department of the Tennessee, near Vicksburg, Miss., June 18, 1863. 'Major-General Grant, Commanding Department of the Tennessee, Vicksburg, Miss.'

"General: My attention has just been called to an order published in the Missouri Democrat of the 19th instant, purporting to be a congratulatory order from Maj.-Gen. John A. McClelland to his command. The whole tenor of the order is so ungenerous, and the insinuations and calumnies so manifestly at variance with the facts, that a sense of duty to my command, as well as the honor of the Department, require that I should call your attention to it. After a careful perusal of the order, I cannot help arriving at the conclusion that it was written more to influence public sentiment at the North and impress the public mind with the magnitude of the heroic and successful operations of your army, than to do justice to the facts of the case.

"I would never have revealed so unbecomingly the private life of a fellow officer in his process of self-glorying, confined himself to facts in the reach of his own observation, and not gone out of the way to charge me with results which he seems not to comprehend. In cases of repulse and failure congratulatory addresses by subordinate commanders are not common, and are only resorted to by weak and vain men to shift the burden of responsibility from their own to the shoulders of others. I never make a practice of making such charges, but during our assault of the 19th several of my brigade commanders were under the impression that McClelland's Corps did not even attempt an assault.

"In the congratulatory order I remark great silence on the subject. Mere silence, however, is not sufficient. I should like to know if McClelland's Corps did or did not assault at 2 p. m. of May 19, as ordered. I do not believe it did, and I think Gen. McClelland responsible.

"With these remarks I leave the matter where it properly belongs, in the hands of the Commanding General, who knows his plans and orders, sees with an eye single to success and his country's honor, and not from a narrow and contracted circle of subordinate commanders, who exaggerates the importance of the events that fall under his immediate notice, and is filled with an itching desire for 'fame' not earned.

"With great respect, your obedient servant, W. T. Sherman, Major-General, Commanding."

Even the gentle, courteous McPherson, who never seemed to have any virility in his nature, was moved to write

against the enemy's intrenchments, and few of the men succeeded in getting in. It most assuredly was his own fault and not the fault of any other corps commander. The positions assigned to him which he was to attempt to carry, and it remained with him to dispose his troops in such a way as to support promptly and efficiently any column which succeeded in getting in. The attack was ordered by the Major-General commanding the department, and it was his duty to see that the columns moved, some of them taking a little longer than others to reach the enemy's works, on account of

the natural and artificial obstacles to be overcome, but the difference in time was not great enough to allow of any changing or massing of the enemy from one part of the line to the other.

"The assault failed, not, in my opinion, from any want of co-operation or bravery on the part of our troops, but from the strength of the works, the difficulty of getting close up to them under cover, and the determined character of the assault.

"Very respectfully, your obedient servant, Jas. R. McPherson, Major-General."

McClelland Relieved. Before Gen. Grant took any action he sent the following note to Gen. McClelland: "Headquarters Department of the Tennessee, Vicksburg, Miss., June 17, 1863. 'Major-General John A. McClelland, Commanding Thirteenth Army Corps.'

"General: I enclose I send you what purports to be a congratulatory address to the Thirteenth Army Corps, addressed to the Thirteenth Army Corps, and I would respectfully ask if it is a true copy. If it is not a correct copy, furnish me with a correct one, as required both by regulations and existing orders of the Department.

"Very respectfully, 'U. S. Grant, Major-General.'

"Headquarters Thirteenth Army Corps, June 13, 1863. 'Major-General Grant: I have just returned. The newspaper slip is a correct copy of the order, and I am glad to hear that you have been successful in your operations. I am, Sir, very respectfully, your obedient servant, U. S. Grant, Major-General.'

"The order is a genuine production and not a forgery, it is manifestly addressed to an army, but to a constituency in Illinois far distant from the scene of the events attempted to be described, who might innocently be induced to think Gen. McClelland the sagacious leader he is not, and it is barely possible the order is a genuine one, and was actually read to the regiment of the Thirteenth Army Corps in which case a copy must have been sent to your office for the information of the Commanding General.

the road to Sulphur Springs. Buford moved in the direction of Stevensburg, and the Thirteenth Army Corps, under the command of Gen. Grant, followed him along the railroad line. Kilpatrick, accompanied by Pleasanton, had scarcely left Culpeper when Hampton's legion made a furious attack upon his rear guard, with the hope of breaking through upon them in column to scatter it, or of so retarding its progress as to enable him to reach the fall upon him before he could reach the safe shore of the Rappahannock.

Our infantry, which the previous day occupied the ground and retired, was ordered to follow the cavalry to the aid of the cavalry to struggle with the tools of the enemy as best it could.

Gallantly repelling every attack of the enemy, our command moved on, without the loss of a single man, to the material, until opposite the residence of John Minor Botts, where a few regiments suddenly wheeled about, and, moving forward, they met the enemy, and with pistols and sabers, giving them a severe check and an unexpected repulse.

After arriving at Brandy Station Kilpatrick found himself in a most critical situation, with an accumulation of formidable difficulties which threatened his annihilation.

Buford, who had been sharply pursued by Fitzhugh Lee's Division over the plains of Stevensburg, had retired more rapidly than Kilpatrick, and, unaware of his position, he had followed Lee's Division to plant his batteries on the high hills which commanded Kilpatrick's right, while the rebel troopers, in three heavy columns, had moved out only route by which Kilpatrick could retreat. Lee's sharpshooters also occupied the woods in the immediate vicinity of Kilpatrick's columns, and they were making themselves a source of great annoyance. To increase the danger of the situation, Stuart, by hard marching, had swung around to Kilpatrick's left, and had taken possession of a range of hills, planted batteries, and was preparing to charge down upon the surrounded divisions below.

This was a desperate situation, and the hearts of the brave men who composed his command. His preparation for the grand charge was soon completed.

Forming his division into three lines of battle, he assigned the right to Davies, the left to Custer, and placing himself with Pleasanton's Division in the center, he advanced with unwavering determination to the contest. Having approached to within a few yards of the enemy's lines, he ordered his troops to charge, and with a shout they rushed forward to strike up a National air, to whose blast-stirring strains was joined the blare of scores of bugles, ringing forth the charge.

With his usual daring, Davies was foremost in the fray, leading his command for the fourth time on this memorable day. The men he addressed these stirring words:

"Soldiers of the First Brigade: I know you have not forgotten the example of your brave comrades who, in past engagements here, were not afraid to die in defense of the Old Flag."

Custer, the daring, terrible demon that he was in battle, pulled off his cap and handed it to his men, and he dashed madly forward in the charge, while his yellow locks floated like pennons on the breeze. Pennington and Buford, who had been in the van, followed him, and the charge was a glorious success, at times opening huge gaps in the serried ranks of the enemy.

Fired to an almost divine potency, and with a majestic madness, this band of heroic troopers shook the air with their battle-cry, and dashed forward to meet the hither-exultant foe.

Ambulances, forges and cannon, with pack horses and mules, non-combatants and others, all joined to swell the mighty tide. Brave hearts grew braver, and falling ones rose again, and the stronger, until pride of country had touched this raging sea of thought and emotion, kindling an unconquerable fire in every heart, and every man was a hero unto death. So swiftly swept forward this tide of animated power that the Confederate lines broke and fled before the uplifted and firmly-grasped sabers of these unflinching veterans, who, feeling that life and

root copy of my congratulatory order, No. 12, I am prepared to maintain its statement. I repeat that I did not send you a copy promptly, as he ought, and I thought he had.

"John A. McClelland, Major-General."

The same day that this reply of McClelland was received Gen. Grant issued the following order:

"Headquarters Department of the Tennessee, Vicksburg, Miss., June 18, 1863. 'Special Orders, No. 164. 'V. Maj.-Gen. McClelland is hereby relieved from the command of the Thirteenth Army Corps. He will proceed to any point he may select in the State of Illinois, and report by letter to Headquarters of the Army for orders. Maj.-Gen. E. O. C. Ord is hereby appointed to the command of the Thirteenth Army Corps, subject to the approval of the President, and will immediately assume charge of the same.

"The order of Maj.-Gen. Grant: 'John A. Rawlins, Assistant Adjutant-General.'

Upon its receipt Gen. McClelland replied that he would not challenge Gen. Grant's authority, as he, McClelland, had been appointed by the President under a definite act of Congress, he would obey and let the facts stated in his congratulatory order be made the subject of investigation. Dana reported in favor of the removal because, in the event of Grant's disavowal of the chief command would devolve upon Gen. McClelland, a possibility that Gen. Sherman and McPherson and others deeply deplored, as liable to produce the most "pernicious consequences." Dana said the real cause for McClelland's removal was "his repeated disobedience of important orders, his general insubordination, disposition and his palpable incompetence for the duties of the position."

Gen. Ord Appointed. Maj.-Gen. Edward O. C. Ord was appointed to command the Thirteenth Corps and the designation